



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/317, 536	05/24/99	ZHAO	B 97RSS256-DIV

<input type="checkbox"/>	MMC2/0314	<input type="checkbox"/>	EXAMINER
--------------------------	-----------	--------------------------	----------

SNELL & WILMER LLP  
ONE ARIZONA CENTER  
400 EAST VAN BUREN  
PHOENIX AZ 85004-0001

<input type="checkbox"/>	OWENS, D
--------------------------	----------

ART UNIT	PAPER NUMBER
----------	--------------

2811

DATE MAILED: 03/14/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/317,536	ZHAO ET AL.
	Examiner Douglas W Owens	Art Unit 2811

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 03 October 2000.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 16-33 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 16-33 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

15) Notice of References Cited (PTO-892)

16) Notice of Draftsperson's Patent Drawing Review (PTO-948)

17) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

18) Interview Summary (PTO-413) Paper No(s). 12.

19) Notice of Informal Patent Application (PTO-152)

20) Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Interview*

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### *Claim Objections*

2. Claim 21 is objected to because of the following informalities: The word "carbon" should be replaced with "carbide" in line 2 of the claim. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

### Drynan et al. and Claims 16, 19, 20 and 23

4. Claims 16, 19, 20 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by US patent No. 5,929,524 to Drynan et al.

Regarding claim 16, Drynan et al. teaches an interconnect (Fig. 2C), comprising: one or more metal lines (118ad, 108ae) in a first metal layer; low-k material (112) filling gaps between the metal lines;

a protective layer (113, 116a) over the metal lines and low-k material, wherein the protective layer covers at least one vertical portion of the low-k material;  
a dielectric layer (122) over the protective layer;  
a via in the dielectric layer;  
a metal (137a) filling the via;  
a second metal layer (138ab) over the dielectric layer; and  
an opening in the protective layer to allow metal in the via to contact the metal lines.

Regarding claim 19, Drynan et al. teaches an interconnect, wherein the protective layer includes dielectric material.

Regarding claims 20 and 23, Drynan et al. teaches an interconnect, wherein the protective layer is silicon nitride.

Havemann and Claims 28 and 29

5. Claims 28 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Havemann et al., US patent No. 5,747,880.

Regarding claim 28, Havemann et al. teaches an interconnect structure comprising:

a plurality of metal lines (24) on a substrate;  
a low-k dielectric (28) between the metal lines;  
a second dielectric (30) above the metal lines;  
a protective layer (56) between the second dielectric and the low-k dielectric; and

a conductive feature (32) within the second dielectric and the protective layer, wherein the conductive feature is in contact with at least one of the metal lines.

It is inherent that the protective layer and the second dielectric layer would have had etch selectivity since they comprise different materials. (Col. 7, lines 1-8, Col. 8, lines 5-9)

Regarding claims 29, Havemann et al. teaches an interconnect, wherein the protective layer comprises a dielectric material.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Drynan et al. and claims 17, 18, 21, 22 and 24-27

7. Claims 17, 18, 21, 22 and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drynan et al.

Regarding claims 17 and 18, Drynan et al. teaches an interconnect, wherein the protective layer is silicon nitride. Drynan et al. does not teach an interconnect, wherein the protective layer is silicon dioxide. It would have been a matter of obvious design choice to use silicon dioxide in place of silicon nitride since it is a known material that is well suited for the intended use, and has properties that are similar to silicon nitride.

Regarding claim 21, Drynan et al. teaches an interconnect, wherein the protective layer is silicon nitride. Drynan et al. does not teach an interconnect, wherein the protective layer is silicon carbide. It would have been a matter of obvious design choice to use silicon carbide in place of silicon nitride since it is a known material that is well suited for the intended use, and has properties that are similar to silicon nitride.

Regarding claim 22, Drynan et al. does not teach an interconnect, comprising a spacer on the vertical portion of the low-k material. It is conventional in the art to provide spacers in vias where metal fills are preformed for various reasons. It would have been obvious to one of ordinary skill to include a spacer on the vertical portion since it is desirable to prevent lateral diffusion of impurities, among other reasons.

Regarding claims 24 and 25, Drynan et al. teaches an interconnect, wherein the metal filling the vias is tungsten (Col. 18, lines 58-63 and Col. 21, lines 8-11). Drynan et al. does not teach an interconnect, wherein the first and second metal layer or the metal filling the via is an aluminum alloy. The use of aluminum alloys in interconnects is well-known in the art. It would have been obvious to one of ordinary skill to use an aluminum alloy, since it is a known material that is well suited for the intended use.

Regarding claims 26 and 27, Drynan et al. teaches an interconnect, wherein the protective layer is silicon nitride. Drynan et al. does not teach an interconnect, wherein the protective layer is silicon dioxide. It would have been a matter of obvious design choice to use silicon dioxide in place of silicon nitride since it is a known material that is well suited for the intended use, and has properties that are similar to silicon nitride. Drynan et al. does not teach an organic low-k material or porous silicon dioxide.

Organic low-k materials and porous oxides are known in the art for their low dielectric constants. It would have been obvious to one of ordinary skill to incorporate either of these known materials since it is desirable to reduce capacitance in interconnect structures.

*Havemann and Claims 30 and 31*

8. Claims 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Havemann et al.

Regarding claims 30 and 31, Havemann et al. does not teach an interconnect, including a liner, wherein said liner comprises material selected from the group consisting of titanium, titanium nitride, tantalum, tantalum nitride, aluminum, copper, and tungsten nitride. It is conventional in the art to include liners in interconnect devices. It would have been obvious to one of ordinary skill in the art to incorporate a liner since it is desirable to prevent unwanted diffusion of impurities. Additionally, many of the materials listed for use in the liner are known to have barrier properties. It would have been obvious to one of ordinary skill to select a known material that is suited for the intended use.

*Havemann and Chen Applied to Claims 32 and 33*

9. Claims 32, and 33 rejected under 35 U.S.C. 103(a) as being unpatentable over Havemann et al. as applied to claims 28-31 above, and further in view of Chen et al.

Regarding claim 32, Havemann et al. does not teach a spacer between the low-k dielectric and the conductive material. Chen teaches an interconnect wherein a spacer is disposed on the vertical portion of the dielectric. It would have been obvious to one of

ordinary skill in the art at the time the invention was made to incorporate the teaching of Chen into Havemann's device, since the sidewall spacer would have prevented lateral diffusion of impurities.

Regarding claim 33, neither Havemann et al., nor Chen teach an interconnect including a liner over a spacer. The incorporation of the additional layer comprising the liner is conventional in the formation of interconnect structures. It would have been obvious to one of ordinary skill in the art to incorporate such a liner since it is desirable to prevent the vertical diffusion of impurities.

***Response to Arguments***

10. Applicant's arguments filed March 14, 2000 have been fully considered but they are not persuasive.

11. Applicant's arguments with respect to claims 16-27 have been considered but are moot in view of the new ground(s) of rejection.

The applicant argues that layers "56" and "30" are not selected to provide etch selectivity. Since Havemann teaches that different materials can be used for layers "56" and "30" (Col. 7, lines 1-8, Col. 8, lines 5-9) respectively, it is inherent that they would have had different etch selectivity.

The applicant argues that Havemann does not teach layers "56" and "30" that preferably comprise distinct materials. This teaching can be found in Col. 7, lines 1-8 and Col. 8, lines 5-9.

The applicant argues that it would not have been obvious to incorporate a liner into the device. It is conventional in the art to form liners in interconnect structures for

the prevention of vertical diffusion, among other reasons. Although the spacer taught by Chen also can prevent diffusion of impurities, the spacers would not have prevented vertical diffusion of impurities. Moreover, repetition of layers is not considered to have any patentable weight.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas W Owens whose telephone number is 703-308-6167. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Thomas can be reached on 703-308-2772. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Application/Control Number: 09/317,536  
Art Unit: 2811

Page 9

DWO  
March 12, 2001

Steven Loke  
Primary Examiner

